

STATE OF MICHIGAN
COURT OF APPEALS

LEON CUDNOHUFSHY, TERESA
CUDNOHUFISKY, GERALD MARCHIONI,
DENO MARCHIONI, GILBERT HOOKER,
VIRGINIA COCHRAN, RAJ JAIN, SHAKUNTIA
JAIN, TIMOTHY HARBIN, DIANE HARBIN,
NEIL MELLENDORF, TINA MELLENDORF,
NABIL JAMALEDDIN, and BARBARA
JAMALEDDIN,

Plaintiff-Appellants,

v

TOWNSHIP OF ORION, TOWNSHIP OF ORION
BOARD OF TRUSTEES, TOWNSHIP OF ORION
PLANNING COMMISSION, DOUGLAS
BROWN, MARIE ENGLISH, SUZANNE HALL,
AL BARNES, BURKE CUENEY, PETER KEMP,
JAMES SKYLIS, MICHAEL KILBOURNE, JOHN
SPEARING, RONNIE PAPIN, RICHARD
TOMCZAK, SANDRA DYL, and DONALD
BARTUS,

Defendant-Appellees.

UNPUBLISHED
August 16, 1996

No. 180420
LC No. 93-467014 NZ

Before: Taylor, P.J., and Murphy and E.J. Grant,* JJ.

PER CURIAM.

Plaintiffs appeal as of right the trial court's order granting summary disposition, pursuant to MCR 2.116(C)(8), failure to state a claim upon which relief can be granted, and MCR 2.116(C)(10), no genuine issue of material fact, in favor of defendants. We affirm.

* Circuit judge, sitting on the Court of Appeals by assignment.

Plaintiffs are landowners who sought to change the zoning classification of their property from residential to commercial in order to enable them to build a shopping center. Defendants denied plaintiffs' request, stating that such a change would be inconsistent with the master zoning plan. Plaintiffs then filed the instant action. The trial court granted defendants' motion for summary disposition.

On appeal, plaintiffs claim that the zoning ordinance, which restricts the use of their property to residential uses, is unconstitutional because it does not permit a productive use. We will review the trial court's grant of summary disposition de novo. *Hall v Hackley Hospital*, 210 Mich App 48, 53; 532 NW 2d 893(1995).

"A zoning ordinance is presumptively valid 'unless the constitutional objections thereto are supported by competent evidence or appear on their face.'" *Bevan v Brandon Twp*, 438 Mich 385, 398; 475 NW2d 37 (1991), quoting *Kropf v Sterling Heights*, 391 Mich 139, 156; 215 NW2d 179 (1974). In this case, the ordinance is not objectionable on its face. Prior to the hearing on defendants' motion for summary disposition, plaintiffs had failed to submit any competent evidence to support their claims in the trial court. In light of the presumption of validity, and plaintiffs' failure to submit any competent evidence in support of their claims, there was no genuine issue as to any material fact and defendants were entitled to judgment as a matter of law. MCR 2.116(C)(10).

Plaintiffs raise other issues on appeal. However, they have failed to cite any authority in support of their claims. This Court will not search for authority to sustain or reject a party's position. *Davenport v City of Grosse Pointe Farms Board of Zoning*, 210 Mich App 400, 405; 534 NW2d 143 (1995). Therefore, plaintiffs have abandoned these issues on appeal.

Affirmed.

/s/ Clifford W. Taylor
/s/ William B. Murphy
/s/ Edward J. Grant